

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Sylvia Jenkins,

Plaintiff,

-v.-

5:08-CV-0921
(NPM/GHL)

Michael Murphy,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Sylvia Jenkins
107 Mary Street
Syracuse, NY 13208

pro se

Neal P. McCurn, Senior District Judge

Order

Plaintiff, Sylvia Jenkins, brought this civil rights action pursuant to 42 U.S.C. § 1983. By Report and Recommendation dated September 2, 2008, the Honorable George H. Lowe, United States Magistrate Judge, recommended that Plaintiff's Complaint (Dkt. No. 1) be dismissed for failure to state a claim; that Plaintiff be permitted to file an amended Complaint within thirty days of the filing date of an Order adopting the Report and Recommendation; that if Plaintiff fails to timely file an amended Complaint, the Clerk shall enter judgment dismissing this

action without further order of this Court due to Plaintiff's failure to comply with the terms of an Order adopting the Report and Recommendation; and that upon the filing of Plaintiff's amended Complaint, the file in this matter be returned to the Court for further review. Objections to the Report and Recommendation have not been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Lowe, the Report and Recommendation is accepted and adopted in all respects. See 28 U.S.C. § 636(b)(1). Accordingly, it is ORDERED that

Plaintiff's Complaint is DISMISSED; and it is further

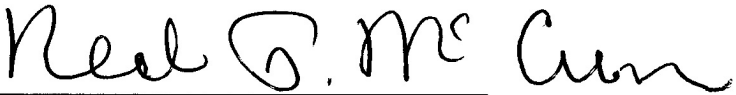
ORDERED that Plaintiff is permitted to file an amended Complaint within thirty days of the filing date of this Order; and it is further

ORDERED that if Plaintiff fails to timely file an amended Complaint, the Clerk shall enter judgment dismissing this action without further order of this Court due to Plaintiff's failure to comply with the terms of this Order; and it is further

ORDERED that upon the filing of Plaintiff's amended Complaint, the file in this matter be returned to the Court for further review.

IT IS SO ORDERED.

DATED: October 14, 2008
Syracuse, New York



Neal P. McCurn
Senior U.S. District Judge